

16-05-101

(Also see Property Under County Control Amendment 14-05-02, Building Provisions Amendment 15-05-61, Erosion and Sedimentation Control Amendment 17-05-104, and ZO-05-371, adopted simultaneously on April 4, 2005.)

ADOPTION OF AN AMENDMENT TO CHAPTER 101

(SUBDIVISION ORDINANCE)

OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, April 4, 2005, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 101 (Subdivision Ordinance) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

***BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:***

Amend Chapter 101 (Subdivision Ordinance), as follows:

Amend Article 2, Subdivision Application Procedures and Approval Process, by revising Section 101-2-9, Fees, to read as follows:

(a) The subdivider shall pay to the County the following fees. The applicable fees for those plats, plans, studies and reports submitted in English measurements shall be based on a conversion from English to metric units as defined in the Metric Conversion Table contained in the Public Facilities Manual.

(1) Plats:

(A) Preliminary subdivision plats: The following fees shall be paid at the time of submission of the plat to the County:

Preliminary subdivision plat with less than 10 lots ...\$2,380
Plus, per lot or division of land\$45

Preliminary subdivision plat with 10 lots or more.....\$3,865
Plus, per lot or division of land\$45

(B) Preliminary subdivision plat revisions and resubmissions: A fee equal to twenty-five percent (25%) of the original preliminary plat fee will be paid upon submission of the revised preliminary plat to the County.

(C) Fire Marshal Fees: A fee of \$48 for the Fire Marshal's review cost of the plat, if available, shall be paid within 120 days of submission of the plat to the County or prior to plat approval, whichever comes first. At the time of preliminary subdivision plat approval and preliminary subdivision plat revision approval, an accounting will be made of the Fire Marshal's costs versus the preliminary plat fees paid. If the fees previously paid exceed the Fire Marshal's actual costs, the developer/payer shall be refunded the excess. If the Fire Marshal's actual costs exceed the fees paid previously, the developer/payer shall be responsible for the balance. In accounting for the Fire Marshal's actual costs, an hourly rate of \$96 or \$24 per quarter hour or part thereof shall be charged for time spent processing the preliminary plat.

(D) Preliminary plat reapprovals: A fee of \$485 will be paid upon submission of a previously approved preliminary plat submitted to the County for reapproval during the validity period of the preliminary plat.

(E) Final subdivision plats: A fee of \$415 plus \$21.00 per lot or division of land will be paid upon the initial submission of such plats, and \$210 per resubmission of such plats to the County. A fee of \$360 will be paid upon submission for reapproval of a previously approved final plat (subdivision plat redate) that has expired.

(F) Easement plats: A fee of \$245 will be paid upon each submission of such plats to the County.

(2) Construction Plans: The following schedule shall be used to tabulate the fees for review and inspections attributable to the subdivision site:

(A) Department of Public Works and Environmental Services review fee: The following fees shall be paid upon submission to the County:

1. Base fee:

Construction plan for a subdivision
proposing less than 10 lots\$5,935

Construction plan for a subdivision
proposing 10 lots or more\$8,005

Construction plans for public improvements
only including sanitary sewer, trail, sidewalk,
storm sewer, channel improvements, waterline,
and/or road construction pursuant to Chapter 2
of the Code\$2385
Plus, per meter (3.3 feet), or fraction thereof, of
each improvement\$2.70

2. Fees in addition to the base fee:

a. Additional plan review as a result of an approved zoning
action to include rezoning, special exception, special permit,
and/or variance application associated with proposed
construction, with a maximum cumulative fee of \$2350:

Sites subject to rezoning\$1,380
Sites subject to special exception.....\$970
Sites subject to special permit.....\$970
Sites subject to variance.....\$720

b. Review resulting from site conditions and proposed
improvements:

Problem soils (Area with soils types A or B, per the
official map adopted by the Board or as deemed
by the Director)\$720
Floodplain\$485
Natural drainageway (non-floodplain watersheds)\$485

Stormwater management facility, for each facility
serving the site (On-site or off-site)\$595

Best management practices (BMP) facility, for each
facility serving the site (On-site or off-site).....\$1,590

c. Second submission of a construction plan: A fee in
accordance with paragraphs 1, 2a and 2b above shall be paid
for a second submission of a construction plan for changes in
the number of lots, zoning action, site conditions, and/or
proposed improvements from that indicated on the first
submission.

d. Resubmissions of a construction plan after second
submission, per submission\$3,175

e. Resubmission of a construction plan with public
improvements only [as defined in paragraph (1)] after second
submission: A fee equal to 50% of the fees charged in
accordance with paragraphs 1, 2a and 2b shall be paid upon
each subsequent submission of a construction plan with public
improvements only.

f. Sheet substitution (insert) in submissions after the
first submission (to be paid prior to plan approval),
per sheet\$85

g. Construction plan revisions.....\$720
Plus additional fees for changes in the number of lots,
zoning action and/or site changes and/or newly
proposed improvements in accordance with
paragraphs 1, 2a and 2b

h. Construction plan extensions, per request\$970

i. Sanitary sewer as-built, per submission.....\$360

j. Subdivision as-built, per submission\$245

(B) Inspection fee: The following fees shall be paid at the time of
bonding, or prior to issuance of a construction permit for land disturbing
activity, whichever occurs first:

1. Base fee: \$50 (\$65 effective July 1, 2006) per disturbed hectare
(2.5 acre), per agreement month with a minimum of \$700 (\$910

effective July 1, 2006) and a maximum of \$12,690 (\$16,380 effective July 1, 2006)

2. Fees in addition to the base fee:

a. Public utility fee(s):

Storm drainage, for the first 30 meters (100 feet).....\$815
(\$1,050 effective July 1, 2006)
Plus, \$5.80 (\$7.50 effective July 1, 2006) each additional meter
(3.3 feet) or fraction thereof

Stormwater management facilities:

Detention ponds with an embankment less than or equal to 1.8
meters (6 feet) high\$815
(\$1,050 effective July 1, 2006)

Detention ponds with an embankment greater
than 1.8 meters (6 feet) high\$1,625
(\$2,095 effective July 1, 2006)

Dedicated streets, for the first 30 meters (100 feet).....\$1,130
(\$1,460 effective July 1, 2006)
Plus, \$15.50 (\$20.00 effective July 1, 2006) for each additional
meter (3.3 feet) or fraction thereof.

Private streets, for the first 30 meters (100 feet).....\$920
(\$1,185 effective July 1, 2006)
Plus, for each additional meter (3.3 feet) or fraction thereof
\$12.50 (\$16.10 effective July 1, 2006)

Other paved area, per square meter (10 square feet) or fraction
thereof\$1.00
(\$1.30 effective July 1, 2006)

Driveway entrances, each\$85
(\$110 effective July 1, 2006)

Pedestrian walkways/trails, for the first 30 meters
(100 feet)..... \$195
(\$250 effective July 1, 2006)
Plus, for each additional meter (3.3 feet) or fraction thereof
\$3.20 (\$4.10 effective July 1, 2006)

Sanitary sewer systems, for the first 30 meters (100 feet) of main \$1130 (\$1,460 effective July 1, 2006)
 Plus, for each additional meter (3.3 feet) or fraction thereof \$12.00 (\$15.50 effective July 1, 2006)

b. Other bonded and proffered work based on a percentage of the bonded amount as follows:

Cast-in-place culverts, percentage of the bonded amount
 up to \$50,0008.10%
 (10.45% effective July 1, 2006)
 Plus, percentage of the bonded amount greater than
 \$50,000 but less than or equal to \$200,0004.00%
 (5.15% effective July 1, 2006)
 Plus, percentage of the bonded amount greater than
 \$200,000.....1.65%
 (2.15% effective July 1, 2006)

All other work, percentage of the bonded amount up
 to \$50,0008.10%
 (10.45% effective July 1, 2006)
 Plus, percentage of the bonded amount greater
 than \$50,000.....1.65%
 (2.15 % effective July 1, 2006)

c. Construction plan inspection extension, per disturbed
 hectare (2.5 acre), per agreement month.....\$50
 (\$65 effective July 1, 2006)

d. Inspection following a stop work order, each, payable at
 next bonding action.....\$325
 (\$420 effective July 1, 2006)

e. Inspection following a violation, each, payable at
 next bonding action.....\$165
 (\$210 effective July 1, 2006)

(C) Fire Marshal Fees for subdivision plans:

1. Review Fees: The following schedule of fees for the Fire Marshal's review cost of the plan, if available, shall be paid within 120 days of submission of a construction plan to the County or prior to plan approval, whichever comes first:

TYPE OF PLAN	PLAN DESCRIPTION	FEE
Subdivision	3-30 lots	\$144
	31-100 lots	\$240
	101 lots or more	\$384
Fire lane designations required,	All plans	add \$384 to base review fee

2. Inspection Fees: Hourly rate of \$96 per hour or \$24 per quarter hour or part thereof.

Prior to agreement release, an accounting will be made of the Fire Marshal's costs versus the plan fee paid. If the fees previously paid exceeds the Fire Marshal's total actual costs, the developer/payer shall be refunded the excess. If the Fire Marshal's total actual costs exceed the fee paid, the developer/payer shall be responsible for the balance. In accounting for the actual costs, an hourly rate of \$96 or \$24 per quarter hour or part thereof for Fire Marshal time shall be charged for time spent processing the subdivision plan and inspection of the completed. The hourly Fire Marshal rate of \$96 or \$24 per quarter hour or part thereof shall be charged for the review and inspections of the following plans and studies:

Construction plans;
Construction plan revisions;
Construction plan reapprovals;
Rough grading plans;
Subdivision as-built plans.

(3) Processing of subdivision plan agreements:

(A) Agreement package processing fees: A processing fee of \$1,935 per agreement package shall be paid upon submission to the County of any agreement package with a security value exceeding \$10,000. A processing fee of \$265 per agreement package shall be paid upon submission to the County of any agreement package with a security value of \$10,000 or less.

(B) Agreement extensions: A fee of \$775 shall be paid upon submission to the County of any request for an agreement extension.

(C) Replacement agreement: A fee of \$1,380 shall be paid upon submission to the County of any request for a replacement agreement.

(D) Agreement security reductions: A fee of \$1,315 shall be paid upon submission to the County of any request for a reduction in security in support of an agreement.

(4) Waivers, exceptions, and modifications. A fee of \$690 shall be paid upon submission to the County of any request for a waiver, exception or modification of the County ordinances, including but not limited to the Subdivision Ordinance, the Chesapeake Bay Preservation Ordinance, and the Public Facilities Manual, except in the following cases. In no instance shall the total fee for all waivers, exceptions, and modifications associated with a construction plan exceed \$2,760.

(A) A fee of \$245 shall be paid for each request for a waiver associated with the minor adjustment of property lines.

(B) A fee shall not be assessed for the review of a waiver request submitted pursuant to Section 118-5-1 (b) of the Chesapeake Bay Preservation Ordinance.

(C) An additional fee of \$345 shall be paid with the submission of any exception request when a public hearing is required under Article 6 of the Chesapeake Bay Preservation Ordinance. A fee shall not be assessed for the review of an exception request submitted pursuant to Section 118-6-9 of the Chesapeake Bay Preservation Ordinance.

(D) A fee of \$1935 shall be paid upon submission to the County of a public street frontage waiver request.

(E) Combined Stormwater Detention and Best Management Practices waivers submitted simultaneously, the fee shall be \$810.

(5) Processing of other studies, reports or plans. Applicable fees, as stated below, shall be paid upon submission to the County of any study, report or plan.

(A) Floodplain studies: A fee of \$5.20 per meter (3.3 feet) of base line plus \$345 per road crossing and per dam, not to exceed a total fee of \$6,350, shall be paid prior to the submission of a floodplain study to the County.

(B) Drainage studies (for non-floodplain watersheds): A fee of \$1,105 shall be paid prior to the submission of a drainage study to the County.

(C) Soil reports: A fee of \$1,935 shall be paid prior to the initial submission of a soil report to the County. A fee of \$635 shall be paid upon each subsequent submission and revision of a soil report.

(D) Rough grading plans: A fee of \$555 per division of land or disturbed 0.5 hectare (1.25 acre), whichever amount is greater, not to exceed \$8,280, shall be paid prior to the submission of a rough grading plan to the County. A fee equal to 25% of the original rough grading plan fee shall be paid upon each subsequent submission of or revision to a rough grading plan.

(E) Water quality fees: The fees listed below shall be paid upon submission of each study to the County.

1. Water Quality Impact Assessments: A fee of \$935 shall be paid prior to the submission of a Water Quality Impact Assessment to the County.

2. Resource Protection Area Boundary Delineations and Resource Management Area Boundary Delineations:

a. For projects with 50 meters (165 feet) or less of baseline, the fee shall be \$245.

b. For projects with greater than 50 meters (165 feet) of baseline, the fee shall be \$245 plus \$1.80 per meter (3.3 feet) of baseline in excess of 50 meters (165 feet).

In the event that a Resource Protection Area and Resource Management Area Boundary Delineation and a Water Quality Impact Assessment are submitted simultaneously, the higher fee shall serve as the fee for both.

(F) Lot Validation Application fee: \$250

G) Environmental Site Assessment Plan:

A fee of \$1,800 shall be paid upon the initial submission of an environmental site assessment plan, and a fee of \$635 shall be paid upon each subsequent submissions and revision to an environmental assessment plan

(6) Sheet substitution (insert) fee: A fee of \$85 per sheet shall be paid prior to submission of any insert to a study, report or plan.

(7) Case Review of Fees: In the event that, prior to plan approval for review fees or prior to bond release for inspection fees, the payer disputes the fee charged, he may request in writing to the Director a case review of costs incurred by the County. In the case where the review reveals that the fees paid exceed 100% of costs, then a refund of the difference shall be made.

If the case review reveals that 100% of the costs incurred by the County exceed the fees paid, then the developer shall pay the difference to the County prior to plan approval for review fees, or prior to bond release for inspections fees.

This amendment shall become effective on July 1, 2005 at 12:01 a.m. and the subsequent revisions to the site inspection fees, as set forth in parentheses in the adopted text, shall be effective at 12:01 a.m. on July 1, 2006. The revised fees shall be applicable to any submission after these dates.

GIVEN under my hand this 4th day of April, 2005.

NANCY VEHR
Clerk to the Board of Supervisors